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EXAMINER

PAN, YUWEN

ART UNIT PAPER NUMBER

2618

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/772,455
Filing Date: January 29, 2001
Appellant(s): RAHN ET AL.

Mark D. Simpson
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 3/11/05.

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(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

No amendment after final has been filed.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

The rejection of claims 36-38, and 40-49 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

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6,278,725	Rouphael et al.	8-2001
6,119,179	Whitridge et al.	9-2000
6,556,826	Johnson et al.	4-2003

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 36-38, and 40-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al (US006556826B1) in view of Rouphael et al (US006278725B1).

Per claim 36, Johnson discloses a method for establishing cordless communication between a host computer and at least one portable communications device using a docking device (see column 2 and lines 3-22), wherein the docking device (see figure 3 and item 100) is connected to the host computer (item 308) and capable of synchronizing the portable communications device and the host computer when the communications device is docked in the docking device, the method comprising: communicating a signal between the host computer and the portable communications device through the docking device without docking of the portable communications device in the docking device (see figure 3, items 306, 302, 300, 303, and column 4 and lines 41-column 5 and line13). Johnson further teaches that the communication use spread spectrum radio technology (see column 1 and line 40-42). Johnson doesn't explicitly

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teach that the communication uses cordless spread spectrum radio technology. Roupheel teaches that spread spectrum technology is applicable widely such as cellular communication and cordless communication systems (see column 7 and lines 5-14). It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teaching of Roupheel with Johnson's method such that a cordless communication system would be reliable and robust from interference.

Per claim 45, Johnson further discloses a computer program product embodied on computer readable media readable by a computing device, the product comprising: computer-readable program code means for providing personal digital assistant (PDA) functions to a portable communications device; and computer-readable program code means for configuring a host computer and the portable communications device to perform cordless communication each other through a docking device without requiring docking of the portable communications device in the docking device (column 4 and lines 41-column 5 and line13, column 6 and lines 32-51). Johnson further teaches that the communication use spread spectrum radio technology (see column 1 and line 40-42). Johnson doesn't expressly teach that the communication uses cordless spread spectrum radio technology. Roupheel teaches that spread spectrum technology is applicable widely such as cellular communication and cordless communication systems (see column 7 and lines 5-14). It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teaching of Roupheel with Johnson's method such that a cordless communication system would be reliable and robust from interference.

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Per claim 37, Johnson further discloses the docking device includes two wireless interfaces, and wherein the communicating step communicates the signal through both of them (see figure 3 and items 303 and 310, see column 4 and line 41-column 5 and line 3).

Per claims 40, Johnson further discloses the portable communications device is a personal digital assistant (PDA) device (see figure 3 and item 306).

Per claims 38, 41, 42, 44, 46, and 47, Johnson discloses his invention includes a multipoint multichannel distribution path in which imply that his system is capable to communicate with more than one PDAs or other telecommunication devices simultaneously (see column 4 and lines 55-60). Johnson doesn't disclose that each portable communication device has unique identifiers and the signal from the host computer to a plurality of PDAs, using a set of predetermined security keys (encryption and decryption codes) commonly assigned to the PDAs and each security keys assigned to the PDAs is different from each other. The examiner takes "Official Notice" of the fact that is notoriously well known in the art to have distinguished ID assigned to each portable communication device within a system and provide unique security keys for each portable communication device, in order to avoid miscommunication between portable communications devices or the host computer and prevent unauthorized users to access the main facility. Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to utilize distinguish ID assigned to and provide unique security keys for each portable communication devices within Johnson's invention such that there would be no miscommunication between portable communications devices or the host computer and unauthorized users to access the main facility.

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3. Claims 48 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al (US006556826B1) in view of Rouphael et al (US006278725B1) and further in view of Whitridge et al (US006119179A).

Johnson discloses a method for establishing cordless communication between a host computer and at least one portable communications device using a docking device, wherein the docking device is connected to the host computer and capable of synchronizing the portable communications device and the host computer when the communications device is docked in the docking device, the method comprising: communicating a signal between the host computer and the portable communications device through the docking device without docking of the portable communications device in the docking device (see figure 3, items 306, 302, 300, 308, 303, and column 4 and lines 41-column 5 and line13).

Johnson further teaches that the communication use spread spectrum radio technology (see column 1 and line 40-42). Johnson doesn't expressly teach that the communication uses cordless spread spectrum radio technology.

Rouphael teaches that spread spectrum technology is applicable widely such as cellular communication and cordless communication systems (see column 7 and lines 5-14).

It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teaching of Rouphael with Johnson's method such that a cordless communication system would be reliable and robust from interference.

Combination of Rouphael and Johnson's method doesn't teach establishing a communication between a chat program and an email program on the host computer and program on the portable communication device.

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Whitridge teaches teach establishing a communication between a chat program and an email program on the host computer and program on the portable communication device (see column 3 and lines 43-67).

It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teaching Whitridge with the combination of Roupael and Johnson's method such that the user of the portable communication device would be about to access email and connect with buddies over the Internet in a remote location.

(11) *Response to Argument*

The appellant argues that the amendment, filed on February 09, 2004, should not have been the basis for a new search and the amendment does not necessitate the new grounds of rejection because the appellant believes that it does not change the substance of claims by including the limitations of claim 39 in claim 36 with the added word “cordless” and argues that a spread spectrum radio technology is, by definition, a cordless technology; the addition of the word “cordless” does not present any new search issues for the examiner. The examiner concurs with appellant’s definition of spread spectrum radio technology in which it is a cordless technology that establishes a communication between two points without actual physical connection. There is nothing wrong to define the spread spectrum radio technology as a cordless technology but a “cordless spread spectrum” technology is just one form of spread spectrum technology. It is a specific technology that is developed specific for micro-cell applications such as for a cordless phone. And there are a lot other of forms of spread spectrum technology, such as CDMA (code division multiple access) that was developed by Qualcomm for cellular (macro-cell) applications. Although both CDMA and cordless spread spectrum are rooted from Spread Spectrum technology, they have different specifications and target different applications. Thus, the newly amended claim that incorporates cordless spread spectrum is considered a new issue and requires a further search. Therefore, the appellant’s amendment does necessitate the new grounds of rejection and the final rejection is appropriately made.

The appellant further argues that the examiner does not establish a prima facie case of obviousness. The examiner respectfully disagrees because the Johnson reference anticipates all the claimed limitation except utilizing cordless spread spectrum. But Johnson does teach utilizing a spread spectrum link for a wireless communication path. Johnson teaches:

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“Wireless communication paths propagate electromagnetic radiation over an air interface between wireless devices. Examples of wireless communication paths include personal communications service (PCS) links, microwave multipoint distribution service (MMDS), millimeter wave links, code division multiple access (CDMA) links, time division multiple access (TDMA) links, *spread spectrum links*, and microwave links (column 1 and lines 37-42).”

The addition of Rouphael teaches that a wireless communication could be a cellular CDMA type or a cordless spread spectrum one. The portion of which Rouphael teaches this is as follow:

“Illustratively, the Rake receiver 200 is used for wireless telephones or handsets with code division multiple access (CDMA) modulation, such as cellular CDMA phones or cordless spread spectrum phones.”

This is clearly a teaching that a cellular CDMA or cordless spread spectrum could be used for wireless telephones or handsets. Since Johnson teaches spread spectrum links for wireless communication and Rouphael teaches there are at least two types of wireless spread spectrum of links, one ordinary skill in the art would select a cordless wireless link to be utilized based on the short-range application of Johnson. For example, if it is a cellular network system, a cellular CDMA system should be deployed in lieu of a cordless spread spectrum system. Therefore, it is compliance with MPEP 2143 to combine the teaching of Rouphael with Johnson’s invention.

There is a discrepancy of appellant’s argument. The appellant asserts that the appellant does not claim to have invented the use of handheld devices for conducting chat or email communications (see appellants’ brief, last line of page 10 and the first line of page 11). Per claim 48 and 49, the appellants claimed the use of handheld devices for conducting chat or email communications. See the underlined below:

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48. (Previously presented) A cordless method for providing chat communication between a host computer and at least one portable communications device using a docking device, wherein the docking device is connectable to the host computer and capable of synchronizing the portable communications device and the host computer when the communications device is docked in the docking device, the method comprising: establishing a communication between a chat program on the host computer and a chat program on the portable communications device, via the docking device, without docking of the portable communications device in the docking device, using cordless spread spectrum radio technology.

The chatting and emailing are specified features of a PDA. They are independent from utilizing what type of wireless technology. The chatting and emailing information are just data toward the wireless communication system. Since Johnson teaches a PDA device, the teaching of Whitridge reference would improve the features of the PDA device of Johnson reference. Therefore, it is compliance with MPEP 2143 to combine the teaching of Whitridge with Johnson's invention.

For the above reasons, it is believed that the final rejection, necessitated a new ground rejection, is proper and should be sustained.

For the above reasons, it is believed that the rejections should be sustained.

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Respectfully submitted,

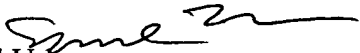
August 8, 2006

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